

PATENT

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4/2/08 Michelle H. H. H.
Date Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

CONTAG et al.

Serial No.: 08/844,336

Filing Date: April 18, 1997

Title: BIODETECTORS TARGETED TO SPECIFIC
LIGANDS

Examiner: R. Zeman

Group Art Unit: 1645

Confirmation No.: 7227

Customer No.: 20855

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

An Appeal Brief was filed in the above-referenced case on September 17, 2007. An improper Notice of Non-Compliant Appeal Brief was mailed on December 7, 2007.

Applicants made repeated attempts (December 11, 2007, December 13, 2007 and December 18, 2007) to contact Examiner Zeman and Supervisory Examiner Foley in order to withdraw the improper Notice of Non-Compliant Appeal Brief and enter the Appeal Brief.

On December 19, 2007, the undersigned received a telephone message from Supervisor Shannon Foley agreeing that the Notice of Non-Compliant Appeal Brief was improper and that the file would be returned to the Primary Examiner to enter the Appeal Brief. When an Examiner's Answer was not received, the undersigned again telephoned Supervisory Examiner Foley on February 26, 2008, who again indicated that Examiner Zeman had been instructed to withdraw the Notice of Non-Compliant Appeal Brief.


However, to date, no Examiner's Answer has been received and PAIR indicates that the Notice of Non-Compliant Appeal Brief still exists in the Transaction and File Wrapper History.

As such, Applicants request that the Office formally indicate that the Notice of Non-Compliant Appeal Brief was improper and enter the Appeal Brief for consideration.

As the Notice of Non-Compliant Appeal Brief was improper and sent in error, no fee is believed to be due for submission of this communication.

Respectfully submitted,

Date: April 2, 2008

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